

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

185. A system as defined in claim 179 wherein said "information superhighway" data link comprises a cable television (CATV) line.

REMARKS

The Examiner rejected claims 168, 266, and 269 under obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,932,863 (hereinafter referred to as "the '863 Patent"). Similarly, the Examiner provisionally rejected claims 168-271 under obviousness-type double patenting as being unpatentable over claims 168-300 of co-pending Application Serial No. 09/769,136 (hereinafter referred to as "the '136 Application"); claims 168-262 of co-pending Application Serial No. 09/769,137 (hereinafter referred to as "the '137 Application"); claims 168-267 of co-pending Application Serial No. 09/769,141 (hereinafter referred to as "the '141 Application"); claims 168-292 of co-pending Application Serial No. 09/769,143 (hereinafter referred to as "the '143 Application"); claims 168-267 of co-pending Application Serial

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

No. 09/769,144 (hereinafter referred to as "the '144 Application"); claims 168-298 of co-pending Application Serial No. 09/769,146 (hereinafter referred to as "the '146 Application"); and claims 168-284 of co-pending Application Serial No. 09/769,147 (hereinafter referred to as "the '147 Application").

Additionally, the Examiner rejected claims 168, 266, and 269 under 35 U.S.C. 102(e) as being anticipated by Wellner U.S. Patent No. 5,640,193 (hereinafter referred to as "Wellner"). Similarly, the Examiner rejected claims 169-265, 267-268, and 270 under 35 U.S.C. 103(a) as being unpatentable over Wellner in view of Hidary et al. U.S. Patent No. 5,774,664 (hereinafter referred to as "Hidary"); Shachar U.S. Patent No. 6,012,102 (hereinafter referred to as "Shachar"); Veeneman et al. U.S. Patent No. 5,774,874 (hereinafter referred to as "Veeneman"); Montanari et al. U.S. Patent No. 5,478,990 (hereinafter referred to as "Montanari"); Dudle et al. U.S. Patent No. 5,570,291 (hereinafter referred to as "Dudle"); Brooke Great Britain Patent No. 2,109,600; Kaoko Japanese Patent No. 404269048A; and Teruo Japanese Patent No. JP406188962A.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant has amended claim 168 to add "material" and "machine recognizable" which were inadvertently omitted from the originally submitted claim 168. Additionally, Applicant has amended claims 183 and 185 to eliminate the informalities. Applicant respectfully submits that the claims are now in proper form.

In response to the Examiner's non-provisional and provisional obviousness-type double patenting rejections, Applicant has amended the specification to properly cross reference related applications and to claim the benefit of the May 25, 1994 filing date of Application Serial No. 08/250,799 (hereinafter referred to as "the '799 Application"). The '863 Patent, the '141 Application, the '144 Application, and the '146 Application also claim the benefit of the May 25, 1994 filing date of the '799 Application. In addition, Applicant will amend the specifications of the '136 Application, the '137 Application; the '143 Application; and the '147 Application to claim the benefit of the May 25, 1994 filing date of the '799 Application. Consequently, this application, the '863 Patent, and the aforementioned applications have or will have an effective filing

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

date of May 25, 1994. Since the '863 Patent and any patents issued from one of the aforementioned applications will automatically end on the same date, Applicant respectfully submits that a terminal disclaimer is not required.

Additionally, Applicant thanks the Examiner for granting a September 9, 2002 telephone interview with the Applicant. As agreed, Applicant has amended the specification to properly cross reference related applications and to claim the May 25, 1994 filing date of the '799 application. An effective filing date of May 25, 1994 predates the filing date of Wellner, Hidary, Shachar, Veeneman, and Dudle, which were relied upon by the Examiner for the 35 U.S.C. 102(e) and 35 U.S.C. 103(a) rejections. In addition, the May 25, 1994 filing date predates the filing dates of all references cited in the Notice of References Cited with the exception of the following seven references: Poland U.S. Patent No. 4,825,058 (hereinafter referred to as "Poland"); Blanford U.S. Patent No. 4,868,375 (hereinafter referred to as "Blanford"); Kouchi et al. U.S. Patent No. 5,541,394 (hereinafter referred to as "Kouchi"); Beasley U.S. Patent No. 5,590,173 (hereinafter referred to as

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

"Beasley"); Rozmanith et al. U.S. Patent No. 5,185,857 (hereinafter referred to as "Rozmanith"); Ruppert et al. U.S. Patent No. 5,424,524 (hereinafter referred to as "Ruppert"); and the aforementioned Montanari. Consequently, all references cited by the Examiner, with the exception of the seven aforementioned patents, are not proper references against this application.

Regarding the seven remaining references, five of the remaining references (i.e., Poland, Blanford, Kouchi, Montanari, and Ruppert) relate to traditional bar code systems -- not the present invention, wherein a machine recognizable feature contained within a printed matter is utilized to access programming material. In fact, none of the references disclose any method for accessing programming material. Additionally, pending claims 168-194, 198-249, 266-267, and 269-270 do not claim use of a bar code system or bar code system components. Regarding the remaining two references, Beasley discloses a method for transmitting signals between a cordless telephone antenna and its respective telephone base and Rozmanith merely discloses an information system which is part of a transportation vehicle. Neither Beasley nor Rozmanith relate to the present

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

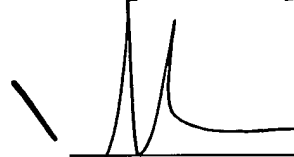
invention, wherein a machine recognizable feature contained within a printed matter is utilized to access programming material. Consequently, Applicant submits that the present invention is distinguished over the remaining seven references.

In light of the foregoing amendments and remarks, Applicant submits that claims 168-271 are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the present invention represents a patentable contribution to the art and the application is in condition for allowance. Early and favorable action is accordingly requested.

Respectfully submitted,



Date: November 25, 2002

John W. Olivo, Jr.
Reg. No. 35,634
WARD & OLIVO
382 Springfield Avenue
Summit, New Jersey 07901
(908) 277-3333